

REMARKS

This Amendment is in response to the Office Action dated July 16, 2009 (the Action). Claims 1, 7 and 16 are objected to due to various informalities. Claims 1-5, 7, 9 and 16 stand rejected under 35 U.S.C. § 112, second paragraph. Claim 7-13 stand rejected under 35 U.S.C. § 101 as being directed to a non-statutory subject matter. Claims 1-16 stand rejected under 35 U.S.C. § 103 (Shimazaki) as being unpatentable over U.S. Publication No. 2003/0096581 to Takamine (Takamine) in view of U.S. Patent No. 7,380,093 to Shimazaki (Shimazaki).

Applicants hereby request further consideration of the application in view of the amendments above and the comments that follow.

I. Claim Objections and 35 U.S.C. § 112 Rejections

Applicants submit that the amendments above address the various claim objections and rejections under 35 U.S.C. § 112 by amending the claims as required in the action on pages 2-5. Accordingly, applicants request that the objections and rejections under 35 U.S.C. § 112 be withdrawn.

II. Rejections under 35 U.S.C. § 101

The Action takes the position that Claim 7 maybe interpreted as "computer programs, software, listings *per se*." In order to expedite prosecution, Claim 7 has been amended to recite a "processor." Support for the amendments to Claim 7 can be found, for example, in the application at paragraph[[0061]. Accordingly, Applicants submit that Claims 7-13 clearly recite statutory subject matter under 35 U.S.C. § 101 and requests that the rejections be withdrawn.

III. Rejections under 35 U.S.C. § 103(a)

Claim 1 recites as follows (emphasis added):

1. A method of determining usability of a coded file in an application, the method including:
obtaining at least one property of the coded file, wherein the at

least one property comprises properties other than an application type or file format including at least one of color depth, width of picture, height of picture and/or animation information;

matching the property including at least one of color depth, width of picture, height of picture and/or animation against limitations of at least one application where the coded file could be used, wherein the application uses a certain application type of file but has limitations regarding the properties of the type of file;

generating an indication indicating whether or not the coded file can be used in the application based on the matching; and

associating the indication with the coded file for later enabling of a decision about use of the coded file in the application.

Takamine discusses storing information about an image, including the number of pixels. *See* paragraph [0034]. If the number of dots of an output capability for a device is different from the number of pixels for the image, a processor means converts the resolution of the image. *See* paragraph [0063]. Accordingly, Takamine proposes converting the resolution of the image based on an output capability for a device. As such, Takamine does not disclose or render obvious matching the property (including at least one of color depth, width of picture, height of picture and/or animation) against limitations of at least one application as recited in Claim 1. Moreover, as the Action concedes, Takamine also does not disclose generating an indication indicating whether or not the coded file can be used in the application based on matching the property including at least one of color depth, width of picture, height of picture and/or animation against limitations of at least one application where the coded file could be used. The Action takes the position that this recitation is disclosed by Shimazaki and that it would have been obvious to combine the teachings of Shimazaki with Takamine because such a combination "would have provided a storage system which can allocate a suitable storage area ... in consideration of the physical relationship with existing other storage areas and the characteristics of data stored in a new storage area as suggested by Shimazaki (See col. 2: 41-46)." *See* the Action, page 8.

However, Shimazaki discusses allocating a volume of data storage to an application by considering the relationship with already existing volumes of data storage. *See* col. 6, lines 19-30. Shimazaki merely discloses determining whether different files can be stored on

the same disk drive, *e.g.*, based on a distribution rule policy table. *See* col. 10, lines 57-65; col. 11, lines 7-15. Shimazaki proposes flags that indicate the advantages and disadvantages of storing new files and existing files on the same disk drive. *See* col. 11, lines 7-15.

Applicants cannot locate anything in Takamine or Shimazaki relating to limitations of an application, and therefore, neither Takamine nor Shimazaki disclose generating an indication indicating whether a file can be used in an application based on matching the property (*e.g.*, color depth, width/height of picture, and/or animation) against limitations of the application as recited in the current claims. Thus, Shimazaki and Takamine do not disclose or render obvious all of the recitations of Claim 1. Claims 7 and 16 include recitations analogous to Claim 1 and are likewise patentable.

For at least the reasons discussed above, Applicants submit that Claims 1, 7 and 16 are not disclosed or rendered obvious by the cited prior art. Claims 2-6 and 8-15 depend from Claims 1 and 7, respectively, and are likewise patentable by virtue of the claims from which they depend. Accordingly, Applicants request that the rejection of Claims 1-17 be withdrawn.

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CONCLUSION

Accordingly, Applicants submit that the present application is in condition for allowance and the same is earnestly solicited. Should the Examiner have any matters outstanding of resolution, he is encouraged to telephone the undersigned at 919-854-1400 for expeditious handling.

Respectfully submitted,



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Attachments

CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on October 13, 2009.

Signature: _____


Joyce Paoli